

Mr. AYLESWORTH. It is only a declaration of what the law is.

Mr. W. F. MACLEAN. It is the judge's opinion of what the law is.

Mr. AYLESWORTH. It is a **declaration by the court of what the law was at that time.** Of course Parliament has the power to amend or alter the law, and often a judicial declaration of what the law is is the very ground for the amendment which Parliament in its wisdom makes in that regard. The point I am trying to make clear with regard to the situation of this company is simply this: That from the time its line crossed the Grand Trunk till 1903 it was undoubtedly a road subject only to Dominion legislation.

Mr. A. C. MACDONELL. If that be so, and if this company understood its rights—the judgment the hon. gentleman speaks of was in 1897—why was it that in 1900 and 1904 it went to the Ontario Legislature for amendments to its Act?

Mr. AYLESWORTH. My hon. friend will have to ask somebody else than me for an answer to his question: I am not in the confidence of the company; I do not know anything about the company. I have no idea why they did it; that is their affair. I am not concerned with this legislation one way or the other. The hon. member for East Hastings has asked an answer to the question, why is this declaration in section 2 of the present Act at all necessary? I am trying to point out why it would seem to me to be very necessary in the position in which the law is since the passage of the Dominion Act of 1903. I am saying that from the time the lines of this road crossed the Grand Trunk tracks until 1903 there was no question, upon the decision of Mr. Justice Street and upon the plain language of the Dominion Act of 1888, that this road was subject to Dominion legislative control and no other.

Mr. R. L. BORDEN. In that connection, might I ask the Minister of Justice has he considered the question as to whether or not the provision in the Act of 1888 would necessarily extend to street railways, which are expressly exempted by the Act of 1903? Might it not be possible that that provision would be confined to railways of the character dealt with generally by the Act?

Mr. AYLESWORTH. The language of the Act of 1888 is wide enough to include a railway such as this, which I understand to be scarcely what would ordinarily be con-